

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK**

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**UNITED STATES OF AMERICA,  
Plaintiff,**

**v.**

**BUFFALO COLOR CORP. ,  
CONSOLIDATED RAIL CORP. and  
NIAGARA FRONTIER TRANSPORTATION  
AUTHORITY,  
Defendants,**

**And**

**ALLIEDSIGNAL, INC., GENERAL MOTORS  
CORP., and NATIONAL FUEL GAS  
DISTRIBUTION CORP.,  
Defendants and  
Third-Party Plaintiffs,**

**v.**

**A & R WASTE METAL AND IRON, et al.,  
Third-Party Defendants,**

**ORDER OF DISMISSAL**

**Case No.  
95-CV-0950C(SC)**

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**UNITED STATES OF AMERICA  
Plaintiff,**

**v.**

**NIAGARA FRONTIER TRANSPORTATION  
AUTHORITY, and NIAGARA FRONTIER  
TRANSIT METRO SYSTEMS, INC.,  
Defendants and  
Third-Party Plaintiffs,**

**Case No.  
96-CV-0219C(SC)**

**v.**

**A & R WASTE METAL AND IRON, et al.  
Third-Party Defendants.**

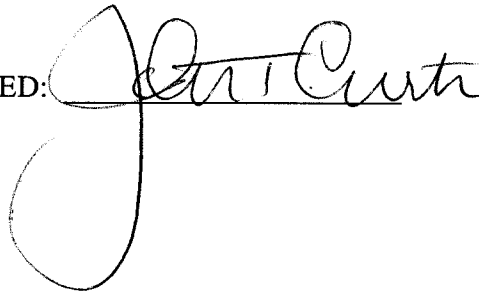
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It is hereby ORDERED that, pursuant to the settlement agreement entered into among Niagara Frontier Transportation Authority ("NFTA"), Niagara Frontier Transit Metro System, Inc. ("Metro"), General Motors Corporation ("GM"), National Fuel Gas Distribution Corp. ("National Fuel"), and New York State Electric & Gas Corporation ("NYSEG") (collectively, the "Remaining Cooperating Parties"), the claims of the Remaining Cooperating Parties against each other in the above-captioned litigation are DISMISSED WITH PREJUDICE.

It is hereby further ORDERED that all claims for contribution, indemnity, response costs or any other damages available under state or federal statutory or common law that have been or may be asserted by any person or entity against the Remaining Cooperating Parties or any of their parents, subsidiaries, predecessors, successors, affiliates, and related companies, and the past, present and future owners, directors, officers, trustees, shareholders, agents, attorneys, employees and assigns of any of the aforementioned entities, are hereby BARRED insofar as such claims relate to the Bern Metals Property located at 22 Bender Street, Buffalo, Erie County, New York State ("Bern Site"), the Universal Iron & Metals property located at 993 Clinton Street, Buffalo, Erie County, New York State ("Universal Site"), and a nearby group of residential properties located at 1029 Clinton Street, Buffalo, Erie County, New York State; 1031 Clinton Street, Buffalo, Erie County, New York State; 1035 Clinton Street, Buffalo, Erie County, New York State; 1037-1039 Clinton Street, Buffalo, Erie County, New York State; 1041 Clinton Street, Buffalo, Erie County, New York State; 1043-1045 Clinton Street, Buffalo, Erie County, New York State; 18 Bender Street, Buffalo, Erie County, New York State; and, 20 Bender Street, Buffalo, Erie County, New York State, except that claims which may in the future be asserted by any of the Remaining Cooperating Parties against any of

the other Remaining Cooperating Parties for costs, injuries or damages associated with any further response actions that may be required in the future at the Bern Site, Universal Site or referenced residential properties or any injuries or damages sought by third parties that have not been raised as of the effective date of the settlement are not barred.

SO ORDERED:

A large, stylized handwritten signature, likely "J. A. Curtis", written in black ink. The signature is written over a horizontal line that serves as a baseline for the "SO ORDERED:" and "DATED:" text.

DATED:

9/9/07

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